

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

FRANCIS FENWICK et al.,

*Plaintiffs,*

v.

Civil Action No. 12-7354 (PGS) (DEA)

RANBAXY PHARMACEUTICALS INC,  
et al.

*Defendants.*

**ORDER**

**WHEREAS**, this matter having come before the Court upon Defendants Ranbaxy Pharmaceuticals, Inc., Ranbaxy Laboratories, Ltd., Ranbaxy Laboratories, Inc., Ranbaxy, Inc. and Ranbaxy USA's (collectively, "Ranbaxy") Motion to Dismiss Plaintiffs' Second Amended Complaint ("Complaint") (ECF No. 34); and

**WHEREAS**, the Court held a status conference in this matter on February 11, 2014 during which time Plaintiffs' counsel agreed to file an Amended Complaint limiting Plaintiffs' claims to those for which "out-of-pocket" or "benefit of the bargain" damages are available; and

**WHEREAS**, the decision to grant leave to amend rests within the discretion of the District Court and this Court finds no undue delay, bad faith or dilatory motive on the part of the Plaintiffs, undue prejudice to the Defendants or futility of amendment, *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 9 L.Ed. 2d 222 (1962); and for good cause shown,

**IT IS** on this 11<sup>th</sup> day of February, 2014, hereby:

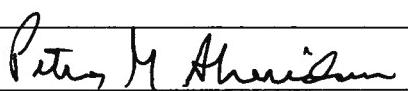
**ORDERED** that Plaintiffs shall file an Amended Complaint within thirty (30) days of the date of this Order; and, it is further

**ORDERED** that Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint (ECF No. 34) is **DENIED** without prejudice as moot; and it is further

**ORDERED** that Defendants may re-move for dismissal of Plaintiffs' claims upon Plaintiffs' filing of an Amended Complaint.

---

Date: February 11, 2014

  
PETER G. SHERIDAN, U.S.D.J.

---